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August 18, 2015

TO: Each Supervisor

FROM: Cynthia A. Harding, M.P.H.  
Interim Director

SUBJECT: **FOOD FACILITY GRADING SYSTEM**  
**(ITEM NO. 64-A, AGENDA OF JUNE 9, 2015)**

This is in response to the June 9, 2015 Board motion by Supervisor Antonovich directing the Department of Public Health (DPH) to: (1) conduct a thorough review of the retail food facility grading system in Los Angeles County, including an assessment of current grading factors, methodology, and a review of grading systems used in other jurisdictions; and (2) provide a report of its findings and recommendations to the Board within 30 days. This is an update to our initial report of July 8, 2015.

### **Scope of Review**

In conducting this review of the retail food facility grading system in Los Angeles County, DPH's Environmental Health Division (EH): (a) Reviewed existing policies and procedures related to the retail facility food grading system; (b) analyzed EnvisionConnect (EC) inspection data; (c) evaluated inspection, grading, and closure data posted on the EH website; and (d) considered input from district supervisors and managers who direct field operations. The review also considered the rating systems used in Alameda, Orange, Sacramento, San Bernardino, and Riverside Counties; the Cities of Long Beach, Pasadena, New York, and Toronto; and North Carolina and South Nevada.

### **Findings and Recommendations**

Based upon our review, DPH identified four areas for improving the retail food grading system. Each area of improvement is accompanied by recommended actions which DPH will implement.

A. Availability of Public Information

1. Not all restaurant closures are currently posted on the EH website where they are readily available to the public. Closures that occur as a result of conditions found in a routine inspection are included, but those resulting from an investigation conducted in response to a complaint from the public are not.

Recommendation: EH should ensure that all restaurant closures, whether resulting from routine inspections or public complaints, are made publicly available on the EH website.

2. Members of the public frequently utilize online information, including letter grades, food safety violations and closures, to make decisions on where they will dine. Some have questioned why DPH does not include in this information that a restaurant is the subject of a suspected foodborne illness investigation.

Recommendation: EH believes that when a comprehensive foodborne illness investigation is conducted and it is determined that the outbreak is “associated” with the restaurant, this information should be disclosed as well. Additionally, EH will confer with County Counsel, Acute Communicable Disease Control, and Community Health Services to consider appropriate criteria for public disclosure of foodborne illnesses which are potentially associated with a particular restaurant.

3. Information disclosed on the grade cards of other jurisdictions is variable. A nearby county uses the upper half of the grade card to indicate the score, and the lower half of the card to provide violation information. A few other jurisdictions include a QR code on the card to direct the public to a website to view current restaurant inspection reports.

Recommendation: EH will seek input from the public to determine what additional information should be included on the grade card. The public will be given the opportunity to provide input through an online survey and suggestion boxes at local district offices.

B. Methods of Scoring and Grading

1. The rating systems of the 11 jurisdictions reviewed fall into two basic types: letter grading and pass/fail, each of which may use color coding to further distinguish between rating levels. Each rating system is based on the restaurant’s compliance at the time of inspection. Collectively, there does not appear to be a significant advantage of one rating type over the other. However, surveys in Los Angeles County have established the public’s familiarity and reliance on the letter grading program.

Recommendation: Because the County of Los Angeles grading system is well-recognized and valued by the public, DPH recommends continuing with the A, B, C grading, but working to improve the rating method on which the grades are based.

2. Under the current scoring system, there are circumstances in which a restaurant can be graded "A" even when it was ordered closed, or when 2 major violations were observed. The public finds this apparent inconsistency to be confusing.

Recommendation: EH proposes changes to the point value deductions in the inspection report to preclude the issuance of an "A" grade if, upon inspection, the facility is ordered closed or is found to have two major violations.

C. Optimize Inspections Through Greater Use of Data

1. There are other opportunities to improve conditions in restaurants and reduce the risk of foodborne illness by providing food facility operators and food handlers with relevant information. The Department's new electronic inspection system provides for detailed analyses of physical conditions, and food safety risk factors identified during inspections. For example, such analyses could identify trends in food handler practices and behaviors associated with Centers for Disease Control and Prevention (CDC) critical risk factors. This could be used in the development of informational materials to assist with the training of food handlers and the overall compliance of the food facility. This information could also be used by EH to optimize inspections, prioritize workload, and allocate resources.

Recommendation: EH should conduct trend analyses of EC inspection data to develop informational material on food handling practices and behaviors targeting restaurant operators.

D. Changes in Policy and Procedure

1. The permit revocation process is a powerful enforcement tool. The existing policy and procedures should be reviewed to determine its application to businesses with chronic unsafe practices.

Recommendation: EH should revise policy and procedures to strengthen the effective use of permit revocations so that businesses with chronic unsafe practices are precluded from operating without remediating these conditions.

2. When a food facility is ordered closed due to a cockroach or rodent infestation, current policy specifies that the facility must remain closed for a minimum of 48 hours to correct the violation. There may be other circumstances in which a restaurant should be closed for an established minimum period of time.

Recommendation: EH should assess whether other conditions warrant a minimum time period for closure.

3. Current policy specifies a minimum of 60 days between graded inspections. On occasion DPH investigates a complaint at an "A" grade facility within 60 days of the graded

inspection and finds major violations. Because of the policy, only a complaint investigation is conducted, and there is no scoring/grading. As a result, the "A" grade remains. A graded inspection should be allowed within 60 days of the last graded inspection in cases when critical violations are observed while investigating a reported complaint or while investigating a foodborne illness complaint.

Recommendation: EH proposes to change its internal policy to allow a graded inspection to occur at any time under specified conditions.

4. Owner-initiated inspections (OII) are designed to give food operators an opportunity to improve their grade once per twelve-month period. Further review of this process is needed to prevent restaurant operators who have chronic unsafe food practices from using the OII process to improve their grade.

Recommendation: EH should review the OII process and determine what modifications should be implemented to prevent restaurant operators who have chronic unsafe food practices from using the process to improve their grade. An analysis of EC inspection data related to OIIs will assist in determining the factors EH should target for modification.

In implementing the recommendations, DPH will work with affected stakeholders, including the Food Safety Advisory Committee (FSAC), a committee comprised of industry stakeholders and regulators. DPH will draw on its past collaboration with FSAC to implement these recommendations and future recommendations as our review of the retail food inspection program continues. In the event that a recommendation requires an ordinance change, DPH will work with County Counsel and seek Board approval.

We look forward to providing your Board with an update in six months on the progress in implementing these recommendations, the continued analyses of EnvisionConnect data trends, the collaboration with stakeholders to improve the retail food grading system, and any additional findings and recommendations.

In the meantime, if you have any questions or would like additional information, please let me know.

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c: Interim Chief Executive Officer  
Interim County Counsel  
Acting Executive Officer, Board of Supervisors